

REMARKS

Administrative Overview

Claims 1, 4-29, 32-34, and 46-57 were considered in the Office action dated July 18, 2007.

The Office action allows claims 46-51.

The Office action states that claim 19 is drawn to Allowable Subject Matter and is objected to as dependent from a rejected base claim.

The Office action rejects claims 1, 4-18, 20-29, 32-34, and 52-57 under 35 U.S.C. 103(a) as allegedly being unpatentable over "Adobe Photoshop 7.0 Classroom in a Book," 6/25/2002 (Adobe), and further in view of Swanson Tech Support, "Photoshop Techniques 004: How to use Postscript Art as a Stencil in Photoshop," 1994 (Swanson).

Without acquiescing to the rejections, Applicants amend independent claim 1 to recite that the step of blending at least one pixel of the second texture into the protected image is performed "after step (b)", and Applicants similarly amend independent claim 52 to recite that the step of blending at least one pixel of the second texture into the protected image is performed "after step (ii)".

This clarifies that it is required to accumulate the plurality of brush strokes into the second texture before performing the blending. No new matter is added thereby; support for the amendments appears in the specification as originally filed, for example, at paragraph [0014], reproduced below [emphasis added]:

[0014] Because the second texture is able to accumulate graphical data from more than one brush stroke, methods of the invention allow a user to maintain an initial version, or initial layer, of a selected region of an image at a specified opacity in any subsequent composite, regardless of overlapping brush strokes within the selected region. This is
15 done by accumulating graphical input representing one or more brush strokes in the
second texture, and by subsequently blending the pixels of the second texture, modified
by first texture values, into the protected image. The blending is performed, for example,
using a compositing function.

Applicants also amend dependent claims 27 and 55 to recite that the level of protection corresponds to a nonzero opacity less than 100%, thereby preventing opacity of the selected region of the protected image from decreasing below the specified nonzero opacity. No new

matter is added thereby; support for the amendments appears in the specification as originally filed, for example, at paragraph [0015], reproduced below [emphasis added]:

[0015] Overlapping portions may result from multiple overlapping brush strokes and/or
20 from a single brush stroke that overlaps itself. Despite the presence of any overlapping
portion(s), and despite the number of brush strokes applied following activation of the
stencil, methods of the invention can prevent the opacity of an initial version, or initial
layer, of the selected region(s) from decreasing below a specified minimum in any
subsequent composite.

Independent claims 1 and 52 and their dependent claims are patentable over Adobe and Swanson

The Office Action alleges that the features upon which applicant relies in the previous response – namely, “second texture in which a plurality of brush strokes are accumulated before blending into the protected image” – are not recited in the rejected claims 1 and 52.

Without acquiescing to the rejection, but in order to advance the claims to allowance, Applicants amend claims 1 and 52 to further emphasize that the plurality of brush strokes are accumulated into the second texture, and then, subsequent to the accumulation of the plurality of brush strokes, at least one pixel of the second texture is blended into the protected image.

As explained in the previous response filed April 4, 2007, neither **Swanson** nor **Adobe** discloses or suggests this element. **Adobe** does not teach use of the second texture as recited in claim 1. **Swanson** appears to teach creation of a mask (e.g., first texture with assigned 100% [only] level of protection), then applying brush strokes *directly* onto the protected image, *without* using a second texture for accumulating brush strokes. However, **Swanson** does not teach blending at least one pixel of the second texture into the protected image after accumulating a plurality of brush strokes into the second texture, as recited in each of claims 1 and 52.

Because the cited art does not teach or suggest all of the limitations of either claim 1 or claim 52, these two claims are patentable over the cited art, and Applicants request the reconsideration and withdrawal of the rejections of these claims, as well as their dependent claims.

Dependent claims 27 and 55 further distinguish from the cited art

The Office Action alleges that the features upon which applicant relies in the previous response – namely, “creation of mask layer to prevent the opacity of an initial image from

decreasing below a specified nonzero opacity less than 100%" – are not recited in the rejected claims.

Without acquiescing to the rejection, Applicants amend dependent claims 27 and 55 to recite that the level of protection corresponds to a nonzero opacity less than 100%, thereby preventing opacity of the selected region of the protected image from decreasing below the specified nonzero opacity.

As explained in the previous response filed April 4, 2007, neither **Swanson** nor **Adobe** discloses or suggests this element. The Office action alleges that **Adobe** teaches this limitation at page 138 (50% opacity value). Applicants disagree. The cited portion of **Adobe** simply teaches applying an opacity of 50% to a layer of an image. None of the other cited references teaches creation of a mask layer to prevent the opacity of an initial image from decreasing below a specified nonzero opacity less than 100%. The prior art only describes masks that provide 100% opacity preservation in designated regions. Therefore, for this additional reason, Applicants request reconsideration and withdrawal of the rejection of claims 27 and 55.

CONCLUSION

Applicants contend this amendment places the claims in condition for allowance. Applicants have made claim amendments to more explicitly recite features upon which Applicants' previous arguments rely, which are alleged by the Office Action to have been missing from the claims.

Accordingly, Applicants contend the amendments and remarks do not require an additional search to be conducted by the Patent Office, and Applicants respectfully request entry of this Amendment After Final, reconsideration and withdrawal of all rejections and objections, and allowance of claims 1, 4-29, 32-34, and 46-57 in due course. The Examiner is hereby cordially invited to contact Applicant's undersigned representative by telephone at the number listed below to discuss any outstanding issues.

Respectfully submitted,

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